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Part XLVIII

Commodity Futures Trading Commission

Semiannual Regulatory Agenda

COMMODITY FUTURES TRADING COMMISSION (CFTC)

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Agenda

AGENCY: Commodity Futures Trading Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Commodity Futures Trading Commission, in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of significant rules which the Commission expects to propose or promulgate over the next year. The Commission welcomes comments from small entities and others on the agenda.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Webster Black, Special Assistant to the Executive Director, Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581, (202) 418-5130, bblack@cftc.gov.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* (RFA), sets forth a number of

requirements for agency rulemaking. Among other things, the RFA requires that:

(a) During the months of April and October of each year, each agency shall publish in the **Federal Register** a regulatory flexibility agenda that shall contain:

(1) A brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable about the items listed in paragraph (1). 5 U.S.C. 602(a).

The Commission has prepared an agenda of significant rules which it presently expects may be considered

during the course of the next year, irrespective of their potential impact on small entities.¹ In this regard, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: “Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda.” Pursuant to the request of Andrew H. Card, Jr., Assistant to the President and Chief of Staff, in his January 20, 2001 memorandum, the Commission has decided that it will issue no final or proposed rules not mandated by Congress until an agency head appointed by the President after noon on January 20, 2001 reviews and approves the regulatory action, or until further guidance is received from the Administration.

The Commission’s April 2001 regulatory flexibility agenda is set forth below.

Issued in Washington, DC, on February 28, 2001 by the Commission.

Jean A. Webb,
Secretary of the Commission.

Commodity Futures Trading Commission—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
4035	Denomination of Customer Funds and Location of Depositories	3038-AB31
4036	New Regulatory Framework for Trading Facilities, Intermediaries, and Clearing Organizations	3038-AB63
4037	Minimum Financial Requirements for Futures Commission Merchants and Introducing Brokers	3038-AB64
4038	Rules Relating to Intermediaries of Commodity Interest Transactions	3038-AB65
4039	A New Regulatory Framework for Clearing Organizations	3038-AB66
4040	Opting Out of Segregation by Eligible Contract Participants in Connection with Derivatives Transaction Execution Facility Transactions	3038-AB67
4041	CFTC Conformance with Title V Privacy Provisions of the Gramm-Leach-Bliley Act for Federal Functional Regulators	3038-AB68
4042	Regulation of Hybrid Instruments	3038-AB69
4043	Use of Broker-Dealers, Depository Institutions, and Farm Crediting System Institutions as Intermediaries on Derivatives Transaction Execution Facilities	3038-AB70
4044	Margin Requirements for Security Futures Products	3038-AB71
4045	Exemption From Compliance With the Listing Standards for Security Futures Products	3038-AB72
4046	Authority To Modify Security Futures Product Listing Standards	3038-AB73
4047	Compliance Date for Security Futures Products To Be Cleared by a Clearing Agency That Has Linked and Coordinated Clearing With Other Clearing Agencies	3038-AB74

¹ The Commission published its definition of small entity to be used in connection with rulemaking proceedings on April 30, 1982 (47 FR 18618). Pursuant to that definition, the Commission is not required to list many of the agenda items contained in this regulatory flexibility agenda. See 5 U.S.C. 602(a)(1). Moreover, the Commission has previously certified, pursuant to section 605 of the RFA, 5 U.S.C. 605, that certain items contained in this agenda will not have a significant economic

impact on a substantial number of small entities. Accordingly, the listing of a rule in this regulatory flexibility agenda should not, in any event, be taken as a determination that a rule, when proposed or promulgated, will in fact require a regulatory flexibility analysis. However, the Commission hopes that the publication of an agenda which includes significant rules, regardless of their potential impact on small entities, may serve the public generally by providing an early and

meaningful opportunity to participate in and comment on the formulation of new or revised regulations. In addition to publishing the regulatory flexibility agenda, the Commission also makes available to the public, on a monthly basis, a calendar and, on a weekly basis, an advisory which lists rules that the Commission is considering or will consider in the near future.

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Commodity Futures Trading Commission—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
4048	Offering and Selling Security Futures Products Traded on Foreign Boards of Trade to United States Persons	3038-AB75
4049	Avoidance of Duplicative or Conflicting Regulations Applicable to Dual Registrants	3038-AB76
4050	Determination of Market Capitalization and the Dollar Value of Average Daily Trading Volume for Narrow-Based and Broad-Based Security Indices	3038-AB77
4051	Requirements for Foreign Stock Index Contracts To Qualify as Non-Narrow-Based Indices	3038-AB78
4052	Special Procedures To Encourage and Facilitate Bona Fide Hedging by Agricultural Producers	3038-AB79
4053	Procedures for Exempting Brokers or Dealers From the Commodity Exchange Act	3038-AB81
4054	Procedures for Exempting Boards of Trade and Designated Contract Markets From the Commodity Exchange Act	3038-AB82
4055	Prohibition Against Dual Trading	3038-AB83

Commodity Futures Trading Commission—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
4056	Performance Disclosures for Commodity Trading Advisors and Commodity Pool Operators	3038-AB39
4057	Registration Exemptions Pertaining to the Offer and Sale of Foreign Futures and Foreign Options Contracts to Customers Located in the United States	3038-AB45
4058	Segregated Account; Daily Computation and Record	3038-AB52

Commodity Futures Trading Commission—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
4059	Public Reporting by Operators of Certain Large Commodity Pools—Regulations 4.7, 4.12, and 4.27	3038-AB40
4060	Trade Options on Enumerated Agricultural Commodities	3038-AB61

Commodity Futures Trading Commission—Completed Actions

Sequence Number	Title	Regulation Identification Number
4061	Market Rule Review Procedures	3038-AB44
4062	Revision of Commission's Procedure for the Review of Contract Market Rules	3038-AB50
4063	Minimum Financial Requirements for Futures Commission Merchants and Introducing Brokers	3038-AB54
4064	New Regulatory Framework for Multilateral Transaction Execution Facilities, Intermediaries, and Clearing Organizations	3038-AB55
4065	Rules Relating to Intermediaries of Commodity Interest Transactions	3038-AB56
4066	New Regulatory Framework for Clearing Organizations	3038-AB57
4067	Exemption for Bilateral Transactions	3038-AB58

COMMODITY FUTURES TRADING COMMISSION (CFTC)

Proposed Rule Stage

4035. DENOMINATION OF CUSTOMER FUNDS AND LOCATION OF DEPOSITORIES**Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1a; 7 USC 2; 7 USC 2a; 7 USC 4; 7 USC 4a; 7 USC 6; 7 USC 6a to 6h; 7 USC 6l**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** The Commission is proposing rules requesting public comment on how to address the risks relating to holding segregated funds offshore or in foreign currencies.**Timetable:**

Action	Date	FR Cite
Concept Release	12/30/97	62 FR 67841
NPRM	05/00/01	
NPRM Comment Period End	07/00/01	

CFTC

Proposed Rule Stage

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Helene D. Schroeder, Attorney Advisor, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581
 Phone: 202 418-5424
 Fax: 202 418-5528
 Email: hschroeder@cftc.gov

RIN: 3038-AB31

4036. • NEW REGULATORY FRAMEWORK FOR TRADING FACILITIES, INTERMEDIARIES, AND CLEARING ORGANIZATIONS

Priority: Other Significant

Legal Authority: 7 USC 1a; 7 USC 2; 7 USC 2a; 7 USC 4; 7 USC 4a; 7 USC 5; 7 USC 6; 7 USC 6a-6p; 7 USC 7; 7 USC 7a-b; 7 USC 8; 7 USC 9; 7 USC 12; 7 USC 12a; 7 USC 12c; 7 USC 13a; 7 USC 13a-1; 7 USC 16; 7 USC 16a; 7 USC 19; 7 USC 21; 7 USC 23; 7 USC 24; as amended by PL 106-554, 114 Stat. 2763

CFR Citation: 17 CFR 1; 17 CFR 5; 17 CFR 15; 17 CFR 20; 17 CFR 36; 17 CFR 37; 17 CFR 38; 17 CFR 40; 17 CFR 41; 17 CFR 100; 17 CFR 170; 17 CFR 180;

...

Legal Deadline: None

Abstract: The Commodity Futures Trading Commission intends to propose rules to implement the new provisions of the Commodity Futures Modernization Act of 2000 relating to trading facilities. The proposed rules will implement the new statutory framework establishing three new market categories, including exempt markets, and two categories of markets subject to Commission regulatory oversight—designated contract markets and registered derivatives transaction execution facilities.

Timetable:

Action	Date	FR Cite
NPRM	03/09/01	66 FR 14262
NPRM Comment Period End	04/09/01	
Final Action	05/00/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Paul M. Architzel, Chief Counsel, Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581

Phone: 202 418-5260
 Fax: 202 418-5527
 Email: parchitzel@cftc.gov

Alan L. Seifert, Deputy Director, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581

Phone: 202 418-5490
 Email: aseifert@cftc.gov

Lawrence B. Patent, Associate Chief Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581

Phone: 202 418-5439
 Email: lpatent@cftc.gov

Riva Spear Adriance, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581

Phone: 202 418-5494
 Fax: 202 418-5536
 Email: radriance@cftc.gov

RIN: 3038-AB63

4037. • MINIMUM FINANCIAL REQUIREMENTS FOR FUTURES COMMISSION MERCHANTS AND INTRODUCING BROKERS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 6f

CFR Citation: 17 CFR 1.17

Legal Deadline: None

Abstract: The Commission is requesting public comment on proposed amendments to Rule 1.17 that would adopt a risk-based capital requirement for futures commission merchants.

Timetable:

Action	Date	FR Cite
NPRM	06/00/01	
NPRM Comment Period End	07/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Thomas J. Smith, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1121 21st Street NW., Washington, DC 20581

Phone: 202 418-5495
 Email: tsmith@cftc.gov

RIN: 3038-AB64

4038. • RULES RELATING TO INTERMEDIARIES OF COMMODITY INTEREST TRANSACTIONS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 2; 7 USC 6(c); 7 USC 6b; 7 USC 6d; 7 USC 6f; 7 USC 6m; 7 USC 6n; 7 USC 12a; 7 USC 23; as amended by PL 106-554, 114 Stat. 2763

CFR Citation: 17 CFR 1.3; 17 CFR 1.10; 17 CFR 1.17; 17 CFR 1.33; 17 CFR 1.46; 17 CFR 1.52; 17 CFR 1.55; 17 CFR 3.1; 17 CFR 3.10; 17 CFR 3.21; 17 CFR 3.31; 17 CFR 3.32; 17 CFR 3.34; 17 CFR 3, app A; 17 CFR 3, app B; 17 CFR 4.10; 17 CFR 4.24; 17 CFR 4.32; 17 CFR 4.34; 17 CFR 140.91; 17 CFR 155.2; 17 CFR 155.3; 17 CFR 155.4; 17 CFR 155.5; 17 CFR 155.6; 17 CFR 166.5

Legal Deadline: None

Abstract: The Commission will revise its rules relating to intermediation of commodity interest transactions. The new rules and rule amendments will affect the definition of the term “principal,” updating of registration applications, certified financial reports, ethics training, disclosure, account opening procedures, trading standards, reporting requirements, and offsetting positions.

Timetable:

Action	Date	FR Cite
NPRM	05/00/01	
NPRM Comment Period End	07/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ky Tran-Trong, Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581

CFTC

Proposed Rule Stage

Phone: 202 418-5452
 Fax: 202 418-5536
 Email: ktran-trong@cftc.gov
 RIN: 3038-AB65

4039. • A NEW REGULATORY FRAMEWORK FOR CLEARING ORGANIZATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 2; 7 USC 6(c); 7 USC 7a; 7 USC 12a(5); as amended by PL 106-554, 114 Stat. 2763

CFR Citation: 17 CFR 39

Legal Deadline: None

Abstract: The Commission will promulgate a new regulatory framework to apply to clearing organizations as part of an initiative that will establish new rules for multilateral transaction execution facilities and market intermediaries.

Timetable:

Action	Date	FR Cite
NPRM	04/00/01	
NPRM Comment Period End	05/00/01	
Final Action	06/00/01	
Final Action Effective	08/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lois J. Gregory, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581
 Phone: 202 418-5260
 Fax: 202 418-5536
 Email: lgregory@cftc.gov

RIN: 3038-AB66

4040. • OPTING OUT OF SEGREGATION BY ELIGIBLE CONTRACT PARTICIPANTS IN CONNECTION WITH DERIVATIVES TRANSACTION EXECUTION FACILITY TRANSACTIONS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 7a(f), as amended by PL 106-554, 114 Stat 2763

CFR Citation: 17 CFR 1.3(k); 17 CFR 1.37; 17 CFR 1.68; 17 CFR 190.01(bb)

Legal Deadline: Final, Statutory, June 19, 2001, 180 days after enactment of

Commodity Futures Modernization Act of 2000.

Abstract: The Commission is proposing rules to permit a registered derivatives transaction execution facility (DTF) to authorize a FCM to allow a customer that is an eligible contract participant to instruct the FCM not to segregate the customer's funds related to DTF transactions from the FCM's own funds. The rules would also address procedures for "opting out" of segregation, including disclosure and bankruptcy treatment.

Timetable:

Action	Date	FR Cite
NPRM	03/13/01	66 FR 14507
NPRM Comment Period End	04/12/01	
Final Action	04/00/01	
Final Action Effective	04/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michael A. Piracci, Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581
 Phone: 202 418-5446
 Fax: 202 418-5536
 Email: mpiracci@cftc.gov

RIN: 3038-AB67

4041. • CFTC CONFORMANCE WITH TITLE V PRIVACY PROVISIONS OF THE GRAMM-LEACH-BLILEY ACT FOR FEDERAL FUNCTIONAL REGULATORS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1 et seq, as amended by PL 106-554, 114 Stat 2763

CFR Citation: Not Yet Determined

Legal Deadline: Other, Statutory, June 21, 2001, Prescribe regulations prior to 06/21/2001.

Abstract: Prior to June 21, 2001, the Commission is required to prescribe regulations to ensure conformance with Title V privacy provisions of the Gramm-Leach-Bliley Act for federal functional regulators.

Timetable:

Action	Date	FR Cite
NPRM	03/19/01	66 FR 15549

Action	Date	FR Cite
NPRM Comment Period End	04/18/01	
Final Action	04/00/01	
Final Action Effective	04/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Elizabeth L.R. Fox, Acting Deputy General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581

Phone: 202 418-5120

Fax: 202 418-5524

Email: efox@cftc.gov

RIN: 3038-AB68

4042. • REGULATION OF HYBRID INSTRUMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1 et seq, as amended by PL 106-554, 114 Stat 2763

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Commission is required, after consulting with and obtaining the concurrence of the Board of Governors of the Federal Reserve System, to prescribe regulations to govern hybrid instruments if it determines that it is in the public interest and consistent with the Commodity Exchange Act, and the product is not predominantly a banking product under the test enumerated in Title IV of the Commodity Futures Modernization Act of 2000.

Timetable:

Action	Date	FR Cite
NPRM	01/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Elizabeth L.R. Fox, Acting Deputy General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581

Phone: 202 418-5120

Fax: 202 418-5524

Email: efox@cftc.gov

RIN: 3038-AB69

CFTC

Proposed Rule Stage

4043. • USE OF BROKER-DEALERS, DEPOSITORY INSTITUTIONS, AND FARM CREDITING SYSTEM INSTITUTIONS AS INTERMEDIARIES ON DERIVATIVES TRANSACTION EXECUTION FACILITIES**Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1 et seq, as amended by PL 106-554, 114 Stat 2763**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: The Commission is required to coordinate with the Securities and Exchange Commission, the Secretary of the Treasury and Federal banking regulators (including the Farm Credit Administration) in adopting rules and taking any other appropriate action to implement the provisions of the Commodity Futures Modernization Act of 2000 relating to the use of broker-dealers, depository institutions, and farm credit system institutions as intermediaries on derivatives transaction execution facilities.

Timetable:

Action	Date	FR Cite
NPRM	01/00/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Elizabeth L.R. Fox, Acting Deputy General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581

Phone: 202 418-5120

Fax: 202 418-5524

Email: efox@cftc.gov

RIN: 3038-AB70**4044. • MARGIN REQUIREMENTS FOR SECURITY FUTURES PRODUCTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1 et seq, as amended by PL 106-554, 114 Stat 2763**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: The Board of Governors of the Federal Reserve System may delegate its authority and have the Commission and the Securities and Exchange Commission, within a reasonable period of time after delegation, jointly prescribe regulations to establish margin requirements,

including the establishment of levels of margin, for security futures products.

Timetable:

Action	Date	FR Cite
NPRM	04/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Elizabeth L.R. Fox, Acting Deputy General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581

Phone: 202 418-5120

Fax: 202 418-5524

Email: efox@cftc.gov

RIN: 3038-AB71**4045. • EXEMPTION FROM COMPLIANCE WITH THE LISTING STANDARDS FOR SECURITY FUTURES PRODUCTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1 et seq, as amended by PL 106-554, 114 Stat 2763**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: The Commission and the Securities and Exchange Commission may jointly issue an order that exempts any person from compliance with the listing standards requirements for a security futures product to be cleared by a clearing agency that has in place provisions for linked and coordinated clearing with other clearing agencies that clear security futures products.

Timetable:

Action	Date	FR Cite
NPRM	01/00/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Elizabeth L.R. Fox, Acting Deputy General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581

Phone: 202 418-5120

Fax: 202 418-5524

Email: efox@cftc.gov

RIN: 3038-AB72**4046. • AUTHORITY TO MODIFY SECURITY FUTURES PRODUCT LISTING STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1 et seq, as amended by PL 106-554, 114 Stat 2763**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: The Commission and the Securities and Exchange Commission may adopt rules to jointly modify security futures product listing standards requiring that any security underlying the security future, including each component security of a narrow-based security index, be registered pursuant to Section 12 of the Securities Exchange Act of 1934, and that the security futures be based upon common stock and such other equity securities as both agencies jointly determine appropriate.

Timetable:

Action	Date	FR Cite
NPRM	01/00/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Elizabeth L.R. Fox, Acting Deputy General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581

Phone: 202 418-5120

Fax: 202 418-5524

Email: efox@cftc.gov

RIN: 3038-AB73**4047. • COMPLIANCE DATE FOR SECURITY FUTURES PRODUCTS TO BE CLEARED BY A CLEARING AGENCY THAT HAS LINKED AND COORDINATED CLEARING WITH OTHER CLEARING AGENCIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1 et seq, as amended by PL 106-554, 114 Stat 2763**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: The Commission and the Securities and Exchange Commission are required to jointly publish in the Federal Register a notice of the compliance date for requiring security futures products to be cleared by a clearing agency that has in place

CFTC

Proposed Rule Stage

provisions for linked and coordinated clearing with other clearing agencies that clear security futures products to be purchased on one market and offset on another market that trades such product within 165 days of the compliance date.

Timetable:

Action	Date	FR Cite
NPRM	01/00/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Elizabeth L.R. Fox, Acting Deputy General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581

Phone: 202 418-5120

Fax: 202 418-5524

Email: efox@cftc.gov

RIN: 3038-AB74

4048. • OFFERING AND SELLING SECURITY FUTURES PRODUCTS TRADED ON FOREIGN BOARDS OF TRADE TO UNITED STATES PERSONS

Priority: Substantive, Nonsignificant**Legal Authority:** 7 USC 1 et seq, as amended by PL 106-554, 114 Stat 2763**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: The Commission and the Securities and Exchange Commission are required to jointly issue rules, regulations, or orders as are necessary and appropriate to permit the offer and sale of security futures products traded on or subject to the rules of a foreign board of trade to United States persons.

Timetable:

Action	Date	FR Cite
NPRM	04/00/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Elizabeth L.R. Fox, Acting Deputy General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581

Phone: 202 418-5120

Fax: 202 418-5524

Email: efox@cftc.gov

RIN: 3038-AB75

4049. • AVOIDANCE OF DUPLICATIVE OR CONFLICTING REGULATIONS APPLICABLE TO DUAL REGISTRANTS

Priority: Substantive, Nonsignificant**Legal Authority:** 7 USC 1 et seq, as amended by PL 106-554, 114 Stat 2763**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: The Commission, in consultation with the Securities and Exchange Commission, is required to issue rules, regulations, or orders as are necessary to avoid duplicative or conflicting regulations applicable to dual registrants involving security futures products.

Timetable:

Action	Date	FR Cite
NPRM	04/00/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Elizabeth L.R. Fox, Acting Deputy General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581

Phone: 202 418-5120

Fax: 202 418-5524

Email: efox@cftc.gov

RIN: 3038-AB76

4050. • DETERMINATION OF MARKET CAPITALIZATION AND THE DOLLAR VALUE OF AVERAGE DAILY TRADING VOLUME FOR NARROW-BASED AND BROAD-BASED SECURITY INDICES

Priority: Substantive, Nonsignificant**Legal Authority:** 7 USC 1 et seq, as amended by PL 106-554, 114 Stat 2763**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: The Commission and the Securities and Exchange Commission are required to jointly prescribe rules and regulations that specify the methods to be used to determine market capitalization and the dollar value of average daily trading volume for narrow-based and broad-based security indices.

Timetable:

Action	Date	FR Cite
NPRM	04/00/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Elizabeth L.R. Fox, Acting Deputy General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581

Phone: 202 418-5120

Fax: 202 418-5524

Email: efox@cftc.gov

RIN: 3038-AB77

4051. • REQUIREMENTS FOR FOREIGN STOCK INDEX CONTRACTS TO QUALIFY AS NON-NARROW-BASED INDICES

Priority: Substantive, Nonsignificant**Legal Authority:** 7 USC 1 et seq, as amended by PL 106-554, 114 Stat 2763**CFR Citation:** Not Yet Determined

Legal Deadline: Other, Statutory, December 21, 2001, Prior to 12/21/2001.

Within one year after the date of enactment of the Commodity Futures Modernization Act of 2000.

Abstract: Prior to December 21, 2001, the Commission and the Securities and Exchange Commission are required to jointly adopt rules and regulations that set forth the requirements for foreign stock index contracts to qualify as non-narrow-based indices.

Timetable:

Action	Date	FR Cite
NPRM	04/00/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Elizabeth L.R. Fox, Acting Deputy General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581

Phone: 202 418-5120

Fax: 202 418-5524

Email: efox@cftc.gov

RIN: 3038-AB78

CFTC

Proposed Rule Stage

4052. • SPECIAL PROCEDURES TO ENCOURAGE AND FACILITATE BONA FIDE HEDGING BY AGRICULTURAL PRODUCERS**Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1 et seq, as amended by PL 106-554, 114 Stat 2763**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** The Commission is required to consider issuing rules or orders which prescribe procedures for contract markets to provide orderly delivery and increased ease for domestic agricultural producers to hedge price risk.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Elizabeth L.R. Fox, Acting Deputy General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581

Phone: 202 418-5120

Fax: 202 418-5524

Email: efox@cftc.gov

RIN: 3038-AB79**4053. • PROCEDURES FOR EXEMPTING BROKERS OR DEALERS FROM THE COMMODITY EXCHANGE ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1 et seq, as amended by PL 106-554, 114 Stat 2763**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** The Commission is required, by rule or regulation, to determine the procedures under which it may exempt any broker or dealer from any provision of the Commodity Exchange Act or its rules or regulations to the extent such exemption is necessary for the public interest and is consistent with the

protection of investors for security futures trading.

Timetable:

Action	Date	FR Cite
NPRM	04/19/01	66 FR 20118
NPRM Comment Period End	05/21/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Christopher W. Cummings, Attorney Advisor, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581

Phone: 202 418-5445

Fax: 202 418-5536

Email: ccummings@cftc.gov

RIN: 3038-AB81**4054. • PROCEDURES FOR EXEMPTING BOARDS OF TRADE AND DESIGNATED CONTRACT MARKETS FROM THE COMMODITY EXCHANGE ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1 et seq, as amended by PL 106-554, 114 Stat 2763**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** The Commission is required, by rule or regulation, to determine the procedures under which it may exempt any board of trade registered as a national security exchange, or which is a national securities association or an alternative trading system, that is a designated contract market, from any provision of the Commodity Exchange Act, its rules or regulations, to the extent such exemption is necessary for the public interest and is consistent with the protection of investors for security futures trading. In addition, except as provided by the requirements of such rule or regulation, the Commission may conditionally or unconditionally exempt any designated contract market in security futures

products from any provision of the Commodity Exchange Act.

Timetable:

Action	Date	FR Cite
NPRM	04/00/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Joshua Marlow, Attorney Advisor, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581

Phone: 202 418-5484

Fax: 202 418-5536

Email: jmarlow@cftc.gov

RIN: 3038-AB82**4055. • PROHIBITION AGAINST DUAL TRADING****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 1 et seq, as amended by PL 106-554, 114 Stat 2763**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** The Commission is required to issue regulations to prohibit dual trading in security futures products on contract markets and derivatives transaction execution facilities.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Rachel F. Berdansky, Attorney Advisor, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581

Phone: 202 418-5429

Fax: 202 418-5536

Email: rberdansky@cftc.gov

RIN: 3038-AB83

COMMODITY FUTURES TRADING COMMISSION (CFTC)

Final Rule Stage

4056. PERFORMANCE DISCLOSURES FOR COMMODITY TRADING ADVISORS AND COMMODITY POOL OPERATORS**Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 6n; 7 USC 6o; 7 USC 12a**CFR Citation:** 17 CFR 4.25; 17 CFR 4.35**Legal Deadline:** None

Abstract: The Commodity Futures Trading Commission is proposing amendments to the requirements concerning the presentation of rate of return data by commodity trading advisors and commodity pool operators. The Commission's proposed rules address computational and disclosure matters relating to participating in commodity trading advisor programs on a partially-funded basis.

Timetable:

Action	Date	FR Cite
ANPRM	06/18/98	63 FR 33297
ANPRM Comment Period End	09/16/98	
NPRM	08/02/99	64 FR 41843
NPRM Comment Period End	10/01/99	
Final Action	05/00/01	
Final Action Effective	07/00/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Robert B. Wasserman, Associate Director, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581
Phone: 202 418-5092
Fax: 202 418-5528
Email: rwasserman@cftc.gov

RIN: 3038-AB39**4057. REGISTRATION EXEMPTIONS PERTAINING TO THE OFFER AND SALE OF FOREIGN FUTURES AND FOREIGN OPTIONS CONTRACTS TO CUSTOMERS LOCATED IN THE UNITED STATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 2(a)(1)(A); 7 USC 6(b); 7 USC 6c**CFR Citation:** 17 CFR 30.1; 17 CFR 30.4; 17 CFR 30.10**Legal Deadline:** None

Abstract: The Commission proposes to codify some of the interpretations and positions that its staff has taken regarding registration requirements under Part 30 of the Commission's rules, which governs, generally, the solicitation and sale of foreign futures and foreign options contracts to customers located in the United States. The Commission proposes to modify Rule 30.4(a) by clarifying that foreign futures and options brokers, including those with U.S. bank branches, are not required to register as futures commission merchants (FCMs) pursuant to Rule 30.4, or seek Rule 30.10 relief, if they fall generally into the following categories: (1) those that carry customer omnibus accounts for U.S. FCMs; (2) those that carry U.S. affiliate accounts that are proprietary to the foreign futures and options broker; and (3) those that carry U.S. accounts that are proprietary to a U.S. FCM. In addition, proposed Rule 30.10(a) will specify representations that must be made by a foreign futures and options broker that has U.S. bank branches in order to obtain a Rule 30.10 comparability exemption or to come within the registration exception of Rule 30.4.

Timetable:

Action	Date	FR Cite
NPRM	08/26/99	64 FR 46613
NPRM Comment Period End	10/25/99	
Final Action	08/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Susan A. Elliott, Attorney Advisor, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581
Phone: 202 418-5464
Fax: 202 418-5528
Email: selliot@cftc.gov

RIN: 3038-AB45**4058. SEGREGATED ACCOUNT; DAILY COMPUTATION AND RECORD****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 6d**CFR Citation:** 17 CFR 1.32**Legal Deadline:** None

Abstract: The Commodity Futures Trading Commission is proposing to amend Rule 1.32 to provide that a futures commission merchant (FCM), when computing its segregation requirement, may offset deficits in customer accounts with readily marketable securities deposited by such customers to margin their futures and option positions.

Timetable:

Action	Date	FR Cite
NPRM	10/31/00	65 FR 64904
NPRM Comment Period End	11/30/00	
Final Action	05/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Thomas J. Smith, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1121 21st Street NW., Washington, DC 20581
Phone: 202 418-5495
Email: tsmith@cftc.gov

RIN: 3038-AB52

COMMODITY FUTURES TRADING COMMISSION (CFTC)

Long-Term Actions

4059. PUBLIC REPORTING BY OPERATORS OF CERTAIN LARGE COMMODITY POOLS—REGULATIONS 4.7, 4.12, AND 4.27**Priority:** Substantive, Nonsignificant**CFR Citation:** 17 CFR 4.7; 17 CFR 4.12; 17 CFR 4.27 (Proposed)**Timetable:**

Action	Date	FR Cite
NPRM	04/17/00	65 FR 20395
NPRM Comment Period End	06/16/00	

Next Action Undetermined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Tobey Kaczensky

Phone: 202 418-5460

Fax: 202 418-5520

Email: tkaczensky@cftc.gov

RIN: 3038-AB40**4060. • TRADE OPTIONS ON ENUMERATED AGRICULTURAL COMMODITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 2; 7 USC 6c; 7 USC 12a**CFR Citation:** 17 CFR 32.13**Legal Deadline:** None**Abstract:** The Commission is proposing a technical revision to its agricultural trade option rule to clarify the requirements for an exemption therefrom.**Timetable:**

Action	Date	FR Cite
NPRM	12/13/00	65 FR 77838
NPRM Comment Period End	12/28/00	

Next Action Undetermined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Paul M. Architzel, Chief Counsel, Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581

Phone: 202 418-5260

Fax: 202 418-5527

Email: parchitzel@cftc.gov

Nancy E. Yanofsky, Assistant Chief Counsel, Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581

Phone: 202 418-5260

Fax: 202 418-5527

Email: nyanofsky@cftc.gov

RIN: 3038-AB61

COMMODITY FUTURES TRADING COMMISSION (CFTC)

Completed Actions

4061. MARKET RULE REVIEW PROCEDURES**Priority:** Other Significant**CFR Citation:** 17 CFR 1**Completed:**

Reason	Date	FR Cite
Withdrawn	12/28/00	65 FR 82272

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:**

Undetermined

Agency Contact: Richard A. Shilts

Phone: 202 418-5260

Fax: 202 418-5527

Email: rshilts@cftc.gov

RIN: 3038-AB44**Agency Contact:** David P. Van Wagner

Phone: 202 418-5481

Email: dvanwagner@cftc.gov

RIN: 3038-AB50**4063. MINIMUM FINANCIAL REQUIREMENTS FOR FUTURES COMMISSION MERCHANTS AND INTRODUCING BROKERS****Priority:** Substantive, Nonsignificant**CFR Citation:** 17 CFR 1.17**Completed:**

Reason	Date	FR Cite
Final Action	11/07/00	65 FR 66618
Final Action Effective	12/07/00	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Thomas J. Smith

Phone: 202 418-5495

Email: tsmith@cftc.gov

RIN: 3038-AB54**4064. NEW REGULATORY FRAMEWORK FOR MULTILATERAL TRANSACTION EXECUTION FACILITIES, INTERMEDIARIES, AND CLEARING ORGANIZATIONS****Priority:** Other Significant**CFR Citation:** 17 CFR 1.37; 17 CFR 1.41; 17 CFR 5; 17 CFR 15; 17 CFR 20; 17 CFR 36 to 38**Completed:**

Reason	Date	FR Cite
Final Action	12/13/00	65 FR 77962
Withdrawn	12/28/00	65 FR 82272

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Paul M. Architzel

Phone: 202 418-5260

Fax: 202 418-5527

Email: parchitzel@cftc.gov

Riva Spear Adriance

Phone: 202 418-5494

Fax: 202 418-5536

Email: radriance@cftc.gov

Alan L. Seifert

Phone: 202 418-5490

Email: aseifert@cftc.gov

RIN: 3038-AB55**4062. REVISION OF COMMISSION'S PROCEDURE FOR THE REVIEW OF CONTRACT MARKET RULES****Priority:** Substantive, Nonsignificant**CFR Citation:** 17 CFR 1.41(z)**Completed:**

Reason	Date	FR Cite
Withdrawn	12/13/00	65 FR 77961

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

CFTC

Completed Actions

4065. RULES RELATING TO INTERMEDIARIES OF COMMODITY INTEREST TRANSACTIONS**Priority:** Other Significant**CFR Citation:** 17 CFR 1.3; 17 CFR 1.10; 17 CFR 1.17; 17 CFR 1.20; 17 CFR 1.25 to 1.29; 17 CFR 1.33; 17 CFR 1.46; 17 CFR 1.52; 17 CFR 1.55; 17 CFR 3.1; 17 CFR 3.10; 17 CFR 3.32; 17 CFR 3.34; 17 CFR 4.10; 17 CFR 4.24; 17 CFR 4.34; 17 CFR 140.91; 17 CFR 3 app B; 17 CFR 155.6; 17 CFR 166.5**Completed:**

Reason	Date	FR Cite
Final Action	12/13/00	65 FR 77993
Partial Withdrawal	12/28/00	65 FR 82272
Final Action Effective	12/28/00	65 FR 82270

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Lawrence B. Patent
Phone: 202 418-5439

Email: lpatent@cftc.gov

RIN: 3038-AB56**4066. NEW REGULATORY FRAMEWORK FOR CLEARING ORGANIZATIONS****Priority:** Other Significant**CFR Citation:** 17 CFR 39**Completed:**

Reason	Date	FR Cite
Final Action	12/13/00	65 FR 78020
Withdrawn	12/28/00	65 FR 82272

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Lois J. Gregory

Phone: 202 418-5260

Fax: 202 418-5536

Email: lgregory@cftc.gov

RIN: 3038-AB57**4067. EXEMPTION FOR BILATERAL TRANSACTIONS****Priority:** Other Significant**CFR Citation:** 17 CFR 35**Completed:**

Reason	Date	FR Cite
Final Action	12/13/00	65 FR 78030
Withdrawn	12/28/00	65 FR 82272

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Paul M. Architzel

Phone: 202 418-5260

Fax: 202 418-5527

Email: parchitzel@cftc.gov

RIN: 3038-AB58

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